

Dayton Planning Board
November 15, 2016

Members Present: Dan Plourde, John Boissonnault, Darren Adams, Bruce Reynolds

Town Employees Present: Jim Roberts (CEO), Linda Bristol (Secretary)

Public Present: Steve and Lisa Morse
Chris Jacques (Cell) 617-875-3556

Administrative:

Meeting Minutes from the October 25, 2016, meeting were read. Darren Adams made a motion to accept the minutes. Bruce Reynolds seconded the Motion. All voted in favor.

Old Business:

Steve and Lisa Morse came in with a Wilderness Acres Subdivision Amendment.

John asked how wide the road is now.

Steve stated that Kaitlyn's road is wider than Bickford Road which is 14 feet. He said you can almost get two cars by.

Jim said it is the third house that will have to extend the road. He does not feel that what is there will need to be dug up. Some places the gravel is four feet deep.

Lisa said they have applied to the DEP for a permit by rule for the stream crossing.

Lisa stated that this map is preliminary. They will get Brad to do the Mylar map.

Dan pointed to the lot on the map where Kaitlyn now lives and to the lot next to it which was gifted to her in 2015 and asked if they need to wait five years to sell the second lot.

Jim said they do not have to wait if they sell them together.

Steve said they plan to sell the house and both lots together as one lot. If split, the second lot would not be exempt from the five-year rule.

Lisa said they had been told that if the land was gifted the five-year rule would not apply and they were not told that it was not an approved subdivision.

Jim said unfortunately we all made errors.

Lisa said they just want a clean slate and be able to build.

Jim said he does not see a need for a site walk and Dan said he had been over there.

Dan said to amend you are just cutting up the remaining parcel.

Jim asked if the land was being taxed as one lot and Lisa said it is being taxed as two lots.

Dan asked if we will need to change to two lots and Lisa said we would not because you can sell to an abutter.

Lisa asked if it would be the assessor they would see to combine the two lots into one for tax purposes and Jim said that is correct.

Jim suggested that when Brad draws the map that he merge the two lots and make one so you can sell as one lot.

Dan said this should be noted on the plan. Then the new owners could come back to split.

Bruce said if you sell as one parcel, the new owner is purchasing two separate parcels conjoined.

John said assuming they sell as one parcel, that leaves the 35 acres for a total of two lots.

Darren agreed that it would be two lots.

John asked if that changes anything.

Lisa said they need to widen the road.

Lisa asked if the Board is okay with the property as sketched.

Dan said yes.

Linda noted that there is a flat fee of \$400 for any amendment to a subdivision. Lisa gave her check #7162 in the amount of \$400.

Lisa asked if anything else comes up, could they please be notified by e-mail. Bruce and Dan both said we would do that but didn't foresee anything.

Darren said we all agree that the final plan will show two lots

Jim asked if they are going to put a turnaround and Steve said that they are. They will put it at the beginning of the driveway.

Jim noted that there needs to be an easement for emergency vehicles to use the turnaround.

New Business:

Chris Jacques who is a medical cannabis small caregiver for five patients appeared before the Board. He is looking to buy a house in Dayton and is asking the Board for a Conditional Use Permit. He was renting a house in Westbrook, but it got sold. Including himself, he treats a total of six patients. He wants to run the business from his home, not from a warehouse. He feels it is more secure. He stated that it is a seven-day a week job.

He does not want his neighbors to know what he does. He has a security system and adheres to state standards. He is having a tough time finding a place. There will not be an impact on the town because nobody will be coming to his house. He delivers to his patients. He asked the Board if they will let him do this if he finds a house.

Bruce said that we cannot grant you a yes or not as we sit here. We do not make snap decisions. We need to know where you want to do this.

Jim said that there is fear of the unknown. A lot of towns have put moratoriums on recreational marijuana.

Chris said there is a difference between a cultivation site and a dispensary.

Bruce told Chris that he needs to comply with the rules.

Chris said that he goes above and beyond. It is his calling. It is what he is supposed to do.

Dan asked Jim if this would be a conditional use and Jim said that it would be and agrees with Bruce that we need to know where.

Bruce asked why he vacated his previous place and Chris said it was because the house where he used the basement in Westbrook was sold. He rented there with two roommates.

Chris said he is looking at Bickford Road, Hollis Road, Wesley Road and down the street from Hollis Road and would like to know when he might hear from the Board.

Bruce said the Board does not have to approve the purchase, but does need to approve a conditional use of the property.

Darren questioned what he was looking at for space and Chris said the ranch in Westbrook was 1200 square feet and he used the basement. He is looking for about the same space.

Darren asked his long-term plan. He now has five patients and Darren asked if he planned to expand.

Chris said that he cannot. He is bound by law. Five patients and himself.

Bruce asked if he is still in business and Chris said he not making a dime right now. He is linking to other caregivers and delivering the medicine.

Bruce asked how he planned to finance a home and Chris said with is father as a co-signer. He is preapproved for \$250,000. He has also worked as a landscaper and will do that also.

Chris again asked when he would hear.

Bruce told him that he needs to fill out a Conditional Use Permit and adhere to state laws.

Dan said that we are not in a position to approve without the state requirements being met.

Bruce told Chris to find a place and then come back.

Chris said that the Board does not understand.

Darren told him that we need the information before we can approve a Conditional Use Permit.

Jim told Chris that he can buy a home first. We cannot give a Conditional Use Permit without a home.

Chris said nobody will hold a home 30 days for him to come back to the Board.

John said if a house is found, we could have a special meeting.

Chris said he does not know how he could go about finding a house here.

Jim said there are too many unknowns for us to give you a blanket Conditional Use Permit.

Dan said there is a Day Care and a school near where you are looking.

Chris asked if he adhered to state standards and added the Day Care, would that be okay?

Bruce told him we are open to having him as a businessman, but he needs a place first. Even if state laws are followed, a Conditional Use Permit is required from the town.

John said that we cannot just say "yes" if you don't have a house.

Darren added that we have to adhere to the process.

Chris asked if you need a Conditional Use Permit to sell baseball cards.

John said yes and that we have someone who sells bait who needed one.

Darren said that we cannot make an exception. We need to maintain consistency.

Chris said you can't require me to have a license from DHHS and Jim said that is State, he needs Conditional Use from the Board.

Dan asked if he had a license and Chris said he does not.

Bruce said then you are breaking the law.

Chris said he is not and was offended that he would think that.

Dan asked if he can start growing when he gets his license and Chris said that he can, but he needs a house to get a license. Dan said we cannot give a Conditional Use Permit without a house. The same rules apply to everyone.

Chris said he is not asking for an exception, but there is a flaw.

Bruce said you need a house to get your license and for a Conditional Use Permit.

Chris said it can take a long time to get a license from the State.

John told Chris that we appreciated him coming in to do it right, but Chris needs to appreciate what we need to do.

Bruce told Chris to find a location and let us know.

A motion to adjourn was made by Darren Adams. Bruce Reynolds seconded the motion. All voted in favor. The meeting adjourned at 8:00 PM.

The next meeting will be on December 13, 2016, at 6:30 PM, at the Dayton Town Office.

Linda Bristol Date: 12/13/16

Linda Bristol, Secretary

Dan Plourde Date: 12-13-16

Dan Plourde, Chairman

COPIES TO: Jim Roberts, Code Enforcement Officer; Selectmen; and Tax Assessor
THESE MINUTES MAY NOT BE TRANSCRIBED VERBATIM. SECTIONS MAY BE
PARAPHRASED FOR CLARITY.